

ROANOKE CITY COUNCIL-REGULAR SESSION

March 19, 2018

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, March 19, 2018, at 2:00 p.m., in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Sherman- P. Lea, Sr., presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 40879-070317 adopted by the Council on Monday, July 3, 2017.

PRESENT: Council Members William D. Bestpitch, Michelle L. Dykstra, Raphael E. Ferris, Anita J. Price, David B. Trinkle and Mayor Sherman P. Lea, Sr.-6.

ABSENT: Council Member John A. Garland-1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia F. McCoy, Deputy City Clerk.

The Invocation was delivered by Mayor Sherman P. Lea, Sr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Lea.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

HEARING OF CITIZENS UPON PUBLIC MATTERS:

SOCIAL JUSTICE AND ECONOMIC INEQUITIES: Brian McConnell, 32 Elm Avenue, S. W., Apt 303, appeared before the Council to express his views on local leadership's functional role with the region relating primarily to social justice and economic inequities.

(See copy of comments on file in the City Clerk's Office.)

SOCIAL JUSTICE: Robert Gravely, 3360 Hershberger Road, N. W., appeared before the Council and spoke about the need for social justice in the City of Roanoke.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda are considered to be routine by the Members of Council and will be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item would be removed from the Consent Agenda and considered separately.

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL: Minutes of the regular meeting of City Council held on Monday, March 5, 2018, was before the body.

(See Minutes on file in the City Clerk's Office.)

Council Member Trinkle moved that the reading of the minutes be dispensed with and approved as recorded. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

SCHOOL BOARD APPLICATIONS: A communication from Mayor Sherman P. Lea, Sr., requesting that Council convene in a Closed Meeting to review applications received in connection with the three upcoming vacancies on the Roanoke City School Board, for three-year terms, each, commencing July 1, 2018 and ending June 30, 2020, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

(See communication on file in the City Clerk's Office.)

Council Member Trinkle moved that Council concur in the request of the Mayor as abovementioned. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

AUDIT COMMITTEE MINUTES: Minutes of the Audit Committee held on Wednesday, December 13, 2017, was before the Council.

(See Minutes on file in the City Clerk's Office.)

Council Member Trinkle moved that the reading of the minutes be received and filed. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

WESTERN VIRGINIA WATER AUTHORITY BOARD OF DIRECTORS-
WESTERN VIRGINIA INDUSTRIAL FACILITY AUTHORITY-MILL MOUNTAIN
ADVISORY BOARD-ROANOKE ARTS COMMISSION-LOCAL OFFICE ON AGING
ADVISORY BOARD-PARKS AND RECREATION ADVISORY BOARD: Reports of
qualification of the following individuals were before the Council:

Robert S. Cowell, Jr., as a Roanoke City Appointee of the Western Virginia Water Authority Board of Directors to fill the unexpired term of office of Wayne Bowers ending June 30, 2021;

R. Brian Townsend as the Roanoke City Alternate representative of the Western Virginia Industrial Facility Authority for a four-year term of office ending February 3, 2022;

William Sellari as a member of the Mill Mountain Advisory Board and Roanoke Arts Commission, respectively, for three-year terms of office, each, ending June 30, 2020;

Cindy L. McFall as the City representative to the Local Office on Aging Advisory Board for a one-year term of office ending February 28, 2019; and

Joshua Dietz as a member of the Parks and Recreation Advisory Board for a three-year term of office ending March 31, 2021.

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

Council Member Trinkle moved that the reports of qualification be received and filed. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS:

Options Regarding Response to Blighted Properties

The City Manager submitted a written communication regarding staff recommendations and input and preferences for further action regarding City Code to blighted and derelict properties. He also distributed a summary of current State Code options to address blighted properties that was compiled by City Attorney Daniel J. Callaghan and Assistant City Attorney David L. Collins.

(See copy of communication and summary on file in the City Clerk's Office.)

Mr. Cowell advised that to be successful in any of the efforts, the City must be strategic as possible, use current partnerships and broaden them, and be innovative in approach and empower staff to make changes. He further advised that he, along with the City Attorney's Office, Assistant City Manager for Community Development, and the Code Compliance Administrator were in discussion with regard to the matter since the Council Retreat, and the City historically provided funding through both CDBG and General Fund dollars to finance code enforcement, property maintenance and demolition; and the available funds were expanded in 2017 for some of those programs.

In terms of setting realistic expectations, he explained that to increase priority it would require increased focus and increased resources; and in terms of strategy, starting from scratch with a plan being drafted dedicated exclusively to said effort outlining not only code enforcement efforts, but also the investments toward blight including tax policies to ultimately incorporate them into the Comprehensive Plan and Neighborhood Plan updates over the next few years. In addition, another strategy would be to update the current inventory of vacant structures within the community which could be used as a starting point in terms of prioritization.

The City Manager stated that the City of Roanoke has addressed blight in many different ways, but predominantly through the property maintenance codes, dealing with unsafe structures as well as the rental inspection program. In response to inquiries as to how the City of Danville, Virginia addressed blight, he further stated that Danville spent a significant amount of funds on blight; however, communities similar to Danville or Richmond, Virginia, have a specific part of their City Code to address blight and deteriorating structures, which include the definition of each and the mechanisms in place to combat them.

In conclusion, he suggested that the City consider creating new partnerships that particularly deal with a Land Bank option, as well as maintaining relationships the City currently have, creating a separate part of the City Code to address blight and derelict properties, creating a blight reduction plan to be incorporated into the City's Comprehensive and Neighborhood Plans.

Following extensive dialogue, the City Manager stated that the first step will be to conduct a better inventory of blighted properties, prioritize the inventory, strengthen partnerships, and be equipped with the necessary tools to build a program to address blight in the City.

There being no additional comments, Mayor Lea advised that the remarks would be received and filed.

City Land Bank Program

The City Manager submitted a written communication regarding a Land Bank Program. He provided an overview of the Program and new.

(See communication on file in the City Clerk's Office.)

Mr. Cowell advised that land banking was a fairly new piece of legislation whereby the City takes ownership of property that either can be placed within its own land bank to be developed or partner with an existing non-profit which has the option to defer associated taxes while attempting to place the property back on the City's tax role.

He outlined the challenges and called attention to two options, create a land bank in-house or partner with a non-profit; and recommended the latter, adding that a Request for Proposals be initiated.

As positive comments from the Council in support of a Land Bank Program were shared, Council Member Bestpitch inquired if the Land Bank Program was limited to only one non-profit partner; and if there was an Authority that could issue a Request for Proposal (RFP), adding that a particular property may be more attractive to one non-profit than another; whereupon, the City Manager explained that the land bank itself was limited to a single partner, however, there would be no reason why that land bank, acting in its capacity, could not issue a RFP.

There being no additional comments from the Council Members, Mayor Lea thanked Mr. Cowell for the informative briefing and advised that the remarks would be received and filed.

ITEMS RECOMMENDED FOR ACTION:

ADJUSTMENT TO JAIL INMATE PHONE COMMISSIONS REVENUE AND APPROVAL OF AMENDMENT NO. 2, TO THE CITY'S CONTRACT WITH SECURUS TECHNOLOGIES, INC.: The City Manager submitted a written communication recommending and adjustment to jail inmate phone commissions revenue and approval of Amendment No. 2, to the City's contract with Securus Technologies, Inc., retroactive to March 1, 2018.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Bestpitch offered the following resolution:

(#41079-031918) A RESOLUTION authorizing the City Manager's execution of Amendment No. 2 to the City's Contract with Securus Technologies, Inc., retroactive to March 1, 2018, to accept the reinstatement of a phone commission rate.

(For full text of resolution, see Resolution Book No. 79, page 508.)

Council Member Bestpitch moved the adoption of Resolution No. 41079-031918. The motion was seconded by Council Member Ferris.

With regard to the estimated revenue of \$30,000.00 per month, with total revenue of \$120,000.00 to be received for the remainder of FY 2018, Council Member Bestpitch inquired as to whether the abovementioned funds could serve as the needed investment to launch the new Medical Housing Unit initiative and/or could be used for operational purposes, such as funding employees' salaries who will be assigned to the Unit; whereupon, the Sheriff was uncertain if the funds would be available to cover the deputies salaries, adding that there will be two pods in one housing unit, and possibly additional ones within the next two years.

There being no further inquiries and/or comments, Resolution No. 41079-031918 was adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

Council Member Bestpitch offered the following budget ordinance:

(#41080-031918) AN ORDINANCE to increase the Roanoke City Jail Inmate Phone Commissions expenditure and Inmate Phone Commissions revenue budget estimates, amending and reordaining certain sections of the 2017 - 2018 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 508.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 41080-031918. The motion was seconded by Council Member Ferris.

As discussion ensued regarding the Sheriff's responsibility to house and care for the mentally ill, Sheriff Allen pointed out that the City jail was not a therapeutic unit, that outside entities and agencies were needed; and he concluded that his department is always seeking techniques to manage care which is a huge burden on the deputies. Major David Bell reiterated remarks made by the Sheriff.

Council Member Dykstra stressed concerns regarding the burden placed on localities to provide adequate care for the mental ill and the drug addiction epidemic that has crossed over between mental health and physical health; and inquired if the Sheriff foreseen the Medical Housing Unit having to deal with drug addiction issues or strictly being focused on other mental health issues; whereupon, Sheriff Allen acknowledged that both issues went hand in hand.

Following additional comments by the Sheriff regarding the opiate crisis, Budget Ordinance No. 41080-031918 was adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

AMENDMENT OF FY18 PAY ORDINANCE ADOPTED MAY 15, 2017: The City Manager submitted a written communication recommending an amendment of FY18 Pay Ordinance adopted May 15, 2017, to provide salary supplement for Sheriff Deputies staffing new Medical Housing Unit in the Jail, effective April 10, 2018.

(For full text, see communication on file in the City Clerk's Office.)

Vice-Mayor Price offered the following ordinance:

(#41081-031918) AN ORDINANCE amending Ordinance No. 40826-051517, which adopted and established a Pay Plan for officers and employees of the City effective July 1, 2017; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 509.)

Vice-Mayor Price moved the adoption of Ordinance No. 41081-031918. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

AMENDMENT OF A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$33.5 MILLION IN FY 2018 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS: The City Manager submitted a written communication recommending an amendment of a resolution authorizing the issuance of up to \$33.5 million in FY 2018 General Obligation Public Improvement Bonds to include an authorization to issue bond anticipation notes.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Ferris offered the following resolution:

(#41082-031918) A RESOLUTION amending Resolution No. 40885-071717 adopted by the Council of the City of Roanoke, Virginia authorizing the issuance and sale of not to exceed thirty-three million five hundred thousand dollars (\$33,500,000.00) aggregate principal amount of General Obligations of the City of Roanoke, Virginia, in the form of General Obligation Public Improvement Bonds of the City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various Public Improvement Projects of and for the City (including related design and architectural and engineering services); and authorizing and providing for the issuance and sale of a like principal amount of General Obligation Public Improvement Bond anticipation notes in anticipation of the issuance and sale of such bonds.

(For full text of resolution, see Resolution Book No. 79, page 510.)

Council Member Ferris moved the adoption of Resolution No. 41082-031918. The motion was seconded by Council Member Trinkle.

Following comments regarding the results of the Davenport evaluation in connection with alternative approaches in the issuance of Bond Anticipation Notes, and reasons for the City Manager's recommendation, Resolution No. 41082-031918 was adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

COMMENTS OF CITY MANAGER.

The City Manager offered the following comments:

Update on Re-Imagine Oak Grove

- The City and Roanoke County are partnering to create a plan for the Oak Grove area, which extends along 419 from its intersection with Grandin Road up to the Keagy Village development.
- The first Community Meeting was held last Thursday at the Oak Grove Elementary School with more than 70 people in attendance.
- Community members discussed transportation improvements and better pedestrian connections, updates to a small park in the area, potential improvements to existing commercial facades, and other ideas to help build a dynamic center in the Oak Grove area.

- The next opportunity for the community to provide input will be Saturday, March 24, at Oak Grove Elementary School, 9:00 a.m. to 12:00 p.m. We also encourage citizens to provide input through the online survey, available at www.RoanokeCountyVA.gov/OakGrove.
- The next round of Community Meetings is scheduled in May.

Participate in Clean Valley Day

- The 40th annual Clean Valley Day is scheduled for Saturday, April 7, from 9:00 a.m. to noon.
- This is a valley-wide clean up event to promote respect and care for the beautiful community we share.
- Residents may volunteer for any area they wish to clean up – a park, playground, roadside, stream bank, or their very own neighborhood. Clean Valley Council provides volunteers with trash bags and gloves.
- Register on-line at www.cleanvalley.org/events

Leadership College Begins

- Thursday, March 22, the City will launch the 2018 Leadership College at 6:00 p.m. This year we have 28 people signed up to participate. We also had several people whose schedules would not allow participation this year, who are already signed up for next year.
- We are encouraged by the continued strong interest shown by our citizens and our employees to participate in the Leadership College as a way to engage with and understand more about their city government.

REPORTS OF COMMITTEES:

EDUCATIONAL PROGRAMS: The Roanoke City School Board submitted a written report requesting appropriation of funds for various educational programs; and the City Manager submitted a written report recommending that Council concur in the request.

(For full text, see reports on file in the City Clerk's Office.)

Council Member Trinkle offered the following budget ordinance:

(#41083-031918) AN ORDINANCE to appropriate funding from the Commonwealth and Federal grants for various educational programs, amending and reordaining certain sections of the 2017 - 2018 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 513.)

Council Member Trinkle moved the adoption of Budget Ordinance No. 41083-031918. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

MEMORIALIZING THE LATE REVEREND DR. JOSEPH A. KEATON, PASTOR EMERITUS, CENTRAL BAPTIST CHURCH: Vice-Mayor Price offered the following resolution memorializing the late Reverend Dr. Joseph A. Keaton, Pastor Emeritus, Central Baptist Church:

(#41084-031918) A RESOLUTION memorializing the late Reverend Dr. Joseph Arthur Keaton, a long-time Roanoke resident and Pastor of the Central Baptist Church in Northwest Roanoke.

(For full text of resolution, see Resolution Book No. 79, page 514.)

Vice-Mayor Price moved the adoption of Resolution No. 41084-031918. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

NATIONAL LEAGUE OF CITIES 2018 CONGRESSIONAL CITY CONFERENCE: Vice-Mayor Price, along with two youth students of the Youth Services Citizen Board, represented the City of Roanoke at the National League of Cities 2018 Congressional City Conference that was held in Washington, D.C. on March 11 - 14.

"MARCH FOR OUR LIVES": Youth participation in a "March for Our Lives" Rally on Saturday, March 24 at the Vinton War Memorial from 11:00 a.m. – 4:00 p.m. All youth are encouraged to attend and participate.

2018 HALEY TOYOTA KIWANIS PANCAKE AND AUCTION DAY: The 2018 Haley Toyota Kiwanis Pancake and Auction Day will be held on Saturday, May 5 from 7:00 a.m. to 1:00 p.m. at the Berglund Center. Tickets are \$5.00 each or six for \$25.00 (available from Kiwanis Club of Roanoke members).

MILL MOUNTAIN ZOO: Mill Mountain Zoo will host Rodney Stotts, a raptor expert and an African-American Licensed Falconer, on Sunday, June 3 from 1:00 p.m. to 2:00 p.m. Mr. Stotts serves as a role model for school students; and all are invited to attend.

At 3:39 p.m., the Mayor declared the Council Meeting in recess for a Closed Meeting to be held in the Council's Conference Room, Room 451, fourth floor, Noel C. Taylor Municipal Building; thereafter to be reconvened at 7:00 p.m. in the Council Chamber.

At this point, Mayor Lea relinquished the Chair to the Vice-Mayor to preside over the Closed Meeting, and left the meeting (3:39 p.m.)

At 7:00 p.m., the Council meeting reconvened in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, with Mayor Sherman P. Lea, Sr., presiding.

PRESENT: Council Members William D. Bestpitch, Michelle L. Dykstra (arrived late), Raphael E. Ferris, Anita J. Price, David B. Trinkle and Mayor Sherman P. Lea, Sr.-6.

ABSENT: Council Member John A. Garland-1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia F. McCoy, Deputy City Clerk.

The Invocation was delivered by The Reverend Jesse L. Bass, Pastor, New Covenant Assembly of God.

At this point, Council Member Dykstra entered the meeting (7:04 p.m.).

The Pledge of Allegiance to the Flag of the United States of America was led by the Girl Scouts of Virginia Skyline Council.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Ferris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Trinkle and Vice-Mayor Price-5.

NAYS: None-0.

(Council Member Garland was absent.) (Mayor Lea abstained from voting since he was not present during the Closed Meeting.)

SCHOOL BOARD VACANCIES: Vice-Mayor Price announced that five applications were received in the City Clerk's Office prior to the March 9 deadline to fill three upcoming vacancies on the Roanoke City School Board for three-year terms of office, each, commencing on July 1, 2018. The five applicants were Mark K. Cathey, Marcus E. Huffman, Mark G. Swope, Laura D. Rottenborn and Richard "Dick" Willis, Jr. She advised that public interviews will be conducted during the April 2 Council Meeting, commencing at 4:00 p.m. A public hearing will be held on Monday, April 16 at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive citizen comments regarding the appointment of any of the abovementioned candidates to fill the upcoming vacancies; and at a subsequent Council Meeting, three of the successful applicants shall be appointed as School Board Trustees.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-PROCLAMATIONS: Mayor Lea declared March 11 - 17, 2018 as Girl Scout Week.

(See ceremonial copy of proclamation on file in the City Clerk's Office.)

The Mayor presented a ceremonial copy of the Proclamation to Barbara Duerk, a lifetime volunteer, and the members of the Girl Scouts Virginia Skyline Council.

Expression of appreciation was shared by the Mayor and Members of Council to the Girl Scouts.

PUBLIC HEARINGS:

REZONE PROPERTY LOCATED AT 943 INDUSTRY AVENUE, S. E.: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 19, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Industry Drive Partners, LLC, to rezone property located at 943 Industry Avenue, S. E., from I-1, Light Industrial District, to UF, Urban Flex District, bearing Official Tax Map No. 4170106, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, February 27, 2018, and Tuesday, March 6, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding that the Original Application is consistent with the City's Comprehensive Plan, *Morningside/Kenwood/Riverdale Neighborhood Plan*, *City-Wide Brownfield Redevelopment Plan*, and Zoning Ordinance as the subject property will be developed and used in a manner appropriate to the surrounding area.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41085-031918) AN ORDINANCE to rezone certain property located at 943 Industry Avenue, S. E., from I-1, Light Industrial District to UF, Urban Flex District; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 517.)

Council Member Bestpitch moved the adoption of Ordinance No. 41085-031918. The motion was seconded by Council Member Ferris.

Council Member Dykstra advised of a personal interest in the abovementioned matter, and read the following Statement of Conflict of Interest into record:

"STATEMENT OF CONFLICT OF INTEREST"

I, Michelle L. Dykstra, state that I have a personal interest in Agenda Item B-1 of the 7:00 p.m. Session of City Council on March 19, 2018, regarding the Request of Industry Drive Partners, LLC, to rezone property located at 943 Industrial Avenue, S. E., (Subject Property), from I-1, Light Industrial District, to UF, Urban Flex District, because my employer, Boys & Girls Clubs of Southwest Virginia, Inc. has an interest in property that abuts the Subject Property.

Therefore, pursuant to Virginia Code Section 2.2-3112, I must refrain from participation in this matter. I ask that the City Clerk accept this statement and ask that it be made a part of the minutes of this meeting.

Witness the following signature made this 19th day of March, 2018.

S/ Michelle L. Dykstra
Michelle L. Dykstra
Member of Council"

(See Statement of Conflict of Interest on file in the City Clerk's Office.)

Sean Horne, Balzer and Associates, Inc., was present in support of the petitioner.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

Following positive remarks by Council Member Bestpitch, Ordinance No. 41085-031918 was adopted by the following vote:

AYES: Council Members Bestpitch, Ferris, Price, Trinkle and Mayor Lea-5.

NAYS: None-0.

(Council Member Garland was absent.) (Council Member Dykstra abstained from voting.)

REZONE PROPERTIES LOCATED AT 2320, 2402, AND 2410 MASON MILL ROAD, N. E.: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 19, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to rezone properties located at 2320, 2402, and 2410 Mason Mill Road, N. E., from R-5, Residential Single-Family District, to I-1, Light Industrial District, bearing Official Tax Map Nos. 7170504, 7170505, and 7170509, respectively, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, February 27, 2018, and Tuesday, March 6, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding that the request by the City of Roanoke is consistent with the City's Comprehensive Plan, *Hollins/Wildwood Area Plan*, and Zoning Ordinance as the subject property will be developed in a manner appropriate to the surrounding area.

(For full text, see report on file in the City Clerk's Office.)

Council Member Ferris offered the following ordinance:

(#41086-031918) AN ORDINANCE to rezone certain properties located at 2320 Mason Mill Road, N. E., 2402 Mason Mill Road, N. E., and 2410 Mason Mill Road, N. E., from R-5, Residential Single-Family District, to I-1, Light Industrial District; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 518.)

Council Member Ferris moved the adoption of Ordinance No. 41086-031918. The motion was seconded by Council Member Trinkle.

Ian Shaw, City Planning Commission Agent, appeared in support of the rezoning of the properties.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no further comments and/or questions by the Council Members, Ordinance No. 41086-031918 was adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

OTHER BUSINESS:

A PETITION FOR APPEAL FILED BY NEIL ANEJA: A Petition for Appeal filed by Neil Aneja appealing a decision of the Architectural Review Board for approval of the replacement of five wood double hung windows with vinyl windows and replacement of two wood double hung windows with four over one, wood Pella windows that fit the opening as amended at 817 Ferdinand Avenue, S. W.; and the denial of a Certificate of Appropriateness, was before the Council.

(See Petition for Appeal on file in the City Clerk's Office.)

Mr. Aneja appeared before the Council and requested that five replacement windows remain since they were not visible; however, he was in agreement to replace the remaining two windows located at the back of the home which were visible from the street.

In closing, he urged the Council to reverse the decision of the Architectural Review Board and grant the request for a Certificate of Appropriateness to allow the replacement of double hung windows at 817 Ferdinand Avenue, S. W.

The Architectural Review Board submitted a written report recommending that the Council affirm its decision to deny the issuance of a Certificate of Appropriateness that would have allowed the applicant to retain five vinyl windows installed in place of five historic wood double hung windows and to replace two vinyl windows, reduced in size, facing the alley, with Pella wood windows resembling the historic windows in shape, size, and appearance.

(For full text, see report on file in the City Clerk's Office.)

John Fulton, Chair, Architectural Review Board, appeared before the Council and reiterated that the Board denied the Certificate of Appropriateness application for inconsistency with H-2 Architectural Design Guidelines. He distributed a photograph of the site, and pointed out that the replacement windows were reduced in size and the remaining portion of the openings were filled in with plywood which did not possess the same character as the existing windows.

Following extensive dialogue regarding the matter, and based upon the evidence (testimony and documents) presented to the Council, Council Member Bestpitch moved that the decision of the City of Roanoke Architectural Review Board on January 11, 2018, be affirmed and that no Certificate of Appropriateness be issued to allow the replacement of double hung windows at 817 Ferdinand Avenue, S. W., as set forth in the Application for Certificate of Appropriateness on the grounds that the proposed installation and location are not architecturally compatible with the structures or historic landmarks in the H-2 District. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Bestpitch, Dykstra, Ferris, Price, Trinkle and Mayor Lea-6.

NAYS: None-0.

(Council Member Garland was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS:

HISTORIC FIRE STATION #7: Alison Blanton, President, Roanoke Valley Preservation Foundation Board of Trustees, appeared before the Council to ask the Council to change course and pursue a plan that would retain the historic landmark building; and she invited the Council to a community meeting to hear from its constituents regarding the new options at 10:00 a.m. on Saturday, March 24 at CoLab, 1327 Grandin Road, S. W.

(See copy of comments and attachment on file in the City Clerk's Office.)


ROANOKE HISTORIC DISTRICTS: Kevin Davies, 123 Mountain Avenue, S. W., appeared before the Council with regard to the benefits of demolishing or renovating structures in the Roanoke historic districts.

There being no further business, Mayor Lea declared the regular meeting adjourned at 8:23 p.m.

A P P R O V E D

ATTEST:


Cecelia F. McCoy
Deputy City Clerk


Sherman P. Lea, Sr.
Mayor
